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**ATTORNEYS FOR MARLA REYNOLDS, TRUSTEE  
OF THE SUPERIOR CREDITOR'S TRUST**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>IN RE:</b>	§	
	§	<b>Case No. 08-36705-BJH-11</b>
<b>SUPERIOR AIR PARTS, INC.</b>	§	
	§	
<b>DEBTOR-IN POSSESSION.</b>	§	

**OBJECTION TO CLAIM NO. 79 FILED BY CARL JOHNSON**

TO THE HONORABLE BARBARA J. HOUSER,  
UNITED STATES BANKRUPTCY JUDGE:

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1254 EARLE CABELL FEDERAL BLDG AND UNITED STATES COURTHOUSE, 1100 COMMERCE STREET DALLAS, TX 75242, BEFORE THE DATE WHICH IS THIRTY (30) DAYS FROM THE DATE OF SERVICE HEREOF.**

**ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED, A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR OBJECTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.**

Marla Reynolds, in her capacity as Trustee of the Superior Creditor's Trust (the "Trustee") files this her Objection to Claim No. 79 filed by Carl Johnson (the "Objection") and respectfully represents as follows:

### **Jurisdiction and Venue**

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

### **Background**

2. On December 31, 2008 (the "Petition Date"), Superior Air Parts, Inc. (the "Debtor" or "Superior") commenced this case by the filing of a voluntary petition under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division (the "Bankruptcy Court").

3. The deadline for filing claims was February 17, 2009 (the "Bar Date").

4. On or about August 27, 2009, the Bankruptcy Court entered an order confirming the Third Amended Plan of Reorganization (the "Plan") jointly proposed by Superior and the Official Committee of Unsecured Creditors (the "Committee"). The Plan became effective on September 28, 2009 (the "Effective Date").

5. Pursuant to the Plan, on the Effective Date, all of the Trust Assets<sup>1</sup> vested in the Superior Creditors Trust (the "Trust"). Marla Reynolds was appointed as Trustee of the Trust. The Trustee has authority to file objections to Claims.

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<sup>1</sup> All capitalized terms not defined herein shall have the meaning ascribed to such term in the Plan.

### **Objection**

6. The Trustee has reviewed and analyzed the claims filed against Superior and after reasonable investigation and due diligence, has determined that certain of those claims are defective.

7. Carl Johnson (“Johnson”) filed proof of claim number 79 (“Claim 79”) in the amount of \$2,246.06. Claim 79 is a claim for professional services performed in connection with a lawsuit known as the *Luyster* case. Pursuant to Section 7.1 of the Plan, Claim 79, as a claim under one of the Debtor’s insurance policies, was assumed by the Reorganized Debtor.

8. The Trustee asserts that the Trust is not liable for Claim 79 and it should therefore be disallowed in its entirety.

### **Reservation of Rights**

9. The relief requested is without prejudice to any claims or causes of action belonging to the Trustee, nor does it constitute a waiver of any claims or causes of action belonging to the Trustee. Additionally, the Trustee expressly reserves the right to further amend or supplement this Objection to assert additional bases for objecting to Claim 79 on any other ground.

### **Prayer**

WHEREFORE, the Trustee respectfully requests that the Court enter an order (a) sustaining the Trustee’s objections to Claim 79; (b) disallowing Claim 79; (c) expunging the official claims register in this bankruptcy case of Claim 79 and (d) granting the Trustee any and all other relief, at law or in equity, to which the Trustee may be justly entitled.

Dated: December 4, 2009  
Dallas, Texas

Respectfully submitted,

BAKER & MCKENZIE LLP

By: /s/ Elliot D. Schuler

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**ATTORNEYS FOR MARLA REYNOLDS,  
TRUSTEE OF THE SUPERIOR  
CREDITOR'S TRUST**

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Objection was served on December 4, 2009 upon the following:

Mary Frances Durham  
Office of the United States Trustee  
1100 Commerce Street, Room 976  
Dallas, TX 75242

Carl Johnson  
1908 Haymeadow  
Carrollton, Texas 75007

/s/ Elliot D. Schuler

Elliot D. Schuler